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November 14, 2022

Ben & Jerry's Homemade, Inc. v. Conopco, Inc., Unilever IP Holdings B.V., and Unilever PLC
No. 1:22-cv-05681 (ALC) (S.D.N.Y.)

Dear Judge Carter:

This firm represents Defendants Conopco, Inc., Unilever IP Holdings B.V. and Unilever PLC in the above-titled matter. We respectfully submit this letter to update the Court concerning Defendants' proposed motion to dismiss. (Dkt. 66.) Complainants have now served the two Unilever entities accused of breaching a 2000 license agreement, so Defendants no longer seek leave to dismiss the claim against these entities for lack of service (under Fed. R. Civ. P. 12(b)(5)). But this claim (like the other claims in suit) is still defective for multiple reasons, including that the allegedly breached agreement became moot and inoperative two decades ago, and the allegedly covert transfers (said to breach the agreement) have been a matter of public record for decades.

Respectfully submitted,

s/ David R. Marriott
David R. Marriott

Hon. Andrew L. Carter Jr., U.S.D.J.
United States District Judge for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

VIA ECF

Copies to: All Counsel of Record via ECF